

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kroswek et al.

Confirmation No.: 6569

Application No.: 10/669,277

Group Art Unit: 3627

Filed: September 23, 2003

Examiner: Haider, Fawaad

For: SYSTEMS AND METHODS FOR
SUPPLY CHAIN MANAGEMENT

Attorney Docket No.: 687197615001

DECLARATION OF THE INVENTORS UNDER 37 CFR § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Thomas R. Kroswek, Anthony D. Han, and James W. Moore, hereby declare and state that:

1 Thomas R. Kroswek resides at 29594 English Way, Novi, Michigan, 48377. Anthony D. Han resides at 10748 Lighthouse Point South Lyon, Michigan, 48178. James W. Moore resides at 22865 Saint Andrews Drive, South Lyon, Michigan, 48178.

2. We are named co-inventors of the invention described and claimed in the above-identified patent application. The invention relates to systems and methods for supply chain management, including receiving an order, determining a buyer and a seller, generating a product shipment configuration and a logistics plan, determining a transporter, and transmitting the generated product shipment plan and logistics plan to interested parties.

3. We understand that the following reference has been cited against the pending claims of the subject application in an Office Action mailed July 21, 2009:
Audimoolam et al., "Decision Support System For Supply Chain Management," U.S. Pat. App. No. 10/440,394, published as US 2005/0209732 A1, claiming priority to U.S. Provisional App.

No. 60/466,218 filed April 28, 2003. We are providing this declaration to "swear behind" this reference.

4. Attached hereto is a copy of the following evidentiary exhibit. **Exhibit A** is a copy of a Proposal Phase Document for the Logistics Planning System embodying the claims of the subject application. **Exhibit B** is a copy of a document describing the Logistics Release system embodying the claims of the subject application. **Exhibit C** is a copy of a Functional Scope Document for the Logistics Release system embodying the claims of the subject application. **Exhibit D** is a copy of an I.T. Functional Scope Document for the Logistics Release system embodying the claims of the subject application.

5. We have reviewed the documents of Exhibits A-D referred to in the above paragraph. Although the dates have been redacted from these documents, the date of the evidence in Exhibits A-D is prior to April 28, 2003. We hereby confirm that the work evidenced by the document of Exhibit A-D was carried out by one or more of us, or under the direction of one or more of us prior to April 28, 2003.

6. Briefly, prior to April 28, 2003 we had conceived of the invention claimed in the subject application. We had developed a design for a new logistics planning system, to include order acceptance, shipment planning, scheduling, load dispatch, exception reporting, end to end tracking, the ability to accept input via EDI, fax, or phone, automatic data conversion from buyer and seller formats, volumetric analysis for weights and cubes for load planning, generation of exception reports, transmission of exception report notifications, and other features (see Exhibit A at 5, 8-10, 23, and 25; Exhibit B at 2 and 6-7; Exhibit C at 3 and 5; Exhibit D at 3 and 8).

7. From the time prior to April 28, 2003, until the filing of the subject application on September 23, 2003, there was no business day where work was not made on the development

and implementation of the logistics planning system that embodies the invention claimed in the subject application by one or more of us, or under the direction of one or more of us.

8. As demonstrated by the foregoing evidence, we conceived of the invention in the subject application prior to April 28, 2003. Thereafter, we continued to diligently develop the invention up until the filing date of the subject application, September 23, 2003,

9. We hereby declare further that all statements made herein that are based on personal knowledge are true and all statements made on information and belief are believed to be true. Further, we make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: 9.17.09

By: Thomas R. Kroswek
Thomas R. Kroswek

Date: _____

By: _____
Anthony D. Han

Date: 9-17-09

By: James W. Moore
James W. Moore